IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

MONDAY, THE 28TH MAY 2007 / 7TH JYAISHTA 1929

WP(C).No. 14013 of 2007(S)

OA.231/2007 of CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

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PETITIONER:

K.C.SUBRAMANIAN, SEALER (V/C 896),
SOUTHERN RAILWAY, IRUMPANAM P.O.,
THRIPUNITHURA, ERNAKULAM DISTRICT.

BY ADV. SRI.D.SREEKUMAR

RESPONDENTS:
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1. SENIOR DIVISIONAL PERSONNEL OFFICER,
THIRUVANANTHAPURAM DIVISION, SOUTHERN RAILWAY,
THIRUVANANTHAPURAM.
2. THE DIVISIONAL PERSONNEL MANAGER,
SOUTHERN RAILWAY, ERNAKULAM.
3. T.J.SIMON, DIESAL MECHANIC, ERNAKULAM
JUNCTION (ERS), SOUTHERN RAILWAY,
ERNAKULAM.
4. THE BRANCH MANAGER,
SYNDICATE BANK, FIRST FLOOR,
PIONEER TOWERS, SHANMUGHAM ROAD, ERNAKULAM,
KOCHI-682 031.

R1 BY ADV. SRI.VARGHESE P.THOMAS, SR.SC,RAILWAYS
R3 BY ADV. SRI.K.GOPALAKRISHNA KURUP
R4 BY ADV. SRI.M.P.ASHOK KUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 28/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S. RADHAKRISHNAN & ANTONY DOMINIC, JJ.

W.P.C. No 14013 of 2007

Dated: 28th May, 2007

JUDGMENT

Radhakrishnan, J.

Petitioner stood as surety for the loan advanced to third respondent by the Syndicate Bank. Due to delay in repayment of the loan amount Bank initiated steps. Ultimately Bank proceeded against the petitioner. He has approached this court and obtained stay of disbursement of the retirement benefits to the third respondent. Counsel for the third respondent submitted that third respondent has paid off the entire amount due to the Bank. Reference was also made to the certificate issued by the Bank which would indicate that third respondent has paid an amount of Rs 63,592.95 that would satisfy the claim of the Bank. If that be so, there is no necessity to proceed against the petitioner. In such circumstances, we find no reason to entertain this writ petition. The same would stand dismissed.

Sd/-
K.S. RADHAKRISHNAN
Judge

Sd/-
ANTONY DOMINIC
Judge

28/05/2007
en [true copy]

W.P.C. No 14013 of 2007

APPENDIX

Petitioner's exhibits:

Ext.P1 - True copy of the O.A and its Annexures No 231/2007 dated 2.4.2007

Ext.P2 - True copy of the order dated 18.4.2007 in O.A. 231/2007

[true copy]